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**FAX RECEIVED**

JUL 18 2007

**OFFICE OF PETITIONS****Atty Docket No.: SON-417**  
**(80001-0881)****Issue Date: September 26, 1995**  
**Filed: July 23, 1993****Inventor: Kazuhiro SATO****Patent No.: 5,453,758**  
**App No.: 08/098,896**  
**Title: INPUT APPARATUS****Documents Filed:****Renewed Petition Under 37 CFR 1.138 (17 Pages)****Attachment A - Sony Docketing System Record****Attachment B - Letter Of February 28, 1997****Attachment C - Request For Final Disposition****Attachment D - Quarterly Invoice From CPI****Attachment E - Notice of Non-Acceptance of Patent Maintenance Fee****Via: Hand Carry****Sender's Initials: RPK/BKD/mks****Date: July 17, 2007**

Docket No.: SON-417  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent No. 5,453,758 of:  
Kazuhiro SATO

**FAX RECEIVED**

Issued: September 26, 1995

**JUL 18 2007**

Application No.: 08/098,896

**OFFICE OF PETITIONS**

Filed: July 29, 1993

For: INPUT APPARATUS

**PETITION FOR RECONSIDERATION UNDER (37 C.F.R. §1.378(E))**  
**OF THE DECISION ON PETITION OF MAY 17, 2007**

MS Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Petition is a full and timely response to the Decision on Petition mailed on May 17, 2007 dismissing the Petition To Accept Unavoidably Delayed Payment Of Maintenance Fee In An Expired Patent (37 C.F.R. §1.378(b)) filed on June 30, 2006. Reexamination and reconsideration in light of the following remarks are courteously requested.

Any such petition for reconsideration must be accompanied by the petition fee required by 37 C.F.R. §1.17(f). Accordingly, the petition fee being submitted is \$400.00.

The Commissioner is hereby authorized to charge the petition fee of \$400.00 to Deposit Account No. #18-0013. If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account No. #18-0013.

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## ARGUMENT

The Decision on Petition (the Decision) highlights that:

A petition to accept the delayed payment of a maintenance fee under 35 USC 41(c) and 37 CFR 1.378(b) must be accompanied by

- (1) An adequate showing that the delay was unavoidable, since reasonable care was taken to insure that the maintenance fee would be paid timely,
- (2) Payment of the appropriate maintenance fee, unless previously submitted, and
- (3) Payment of the surcharge set forth in 37 CFR 1.20(i)(1).

In its conclusion of an absence of item (1) above from within the Petition of June 30, 2006, the Decision explained that:

A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:

- (1) The error was the cause of the delay at issue;
- (2) There was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
- (3) The employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. See MPEP 711.03(c)(III)(C)(2).

In response, the arguments and evidence presented within the Petition of June 30, 2006 are incorporated by reference. Additional arguments are provided hereinbelow.

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"If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, *it may properly be said to be unavoidable*, all other conditions of promptness in its rectification being present" (emphasis added). *In re Egbers*, 6 USPQ2d 1869, 1871 (Comm'r Pat. 1988).

Section 2590 of the M.P.E.P. provides that an error in a docketing system could possibly result in a finding that a delay in payment was unavoidable if it were shown that reasonable care was exercised in designing and operating the system and that the patentee took reasonable steps to ensure that the patent was entered into the system to ensure timely payment of the maintenance fees.

(1) The error was the cause of the delay at issue.

The letter from Sanae Takada of Sony Intellectual Property Solutions Corporation dated June 26, 2006, which has been provided as ATTACHMENT G of the Petition of June 30, 2006, refers to an error in the docketing system as being the cause of the delay in providing the 7 1/2 year maintenance fee payment to the U.S. Patent and Trademark Office.

The Decision is required to set forth specific findings of fact and conclusions of law adequate to form a basis for appellate review. *Gechter v. Davidson*, 43 USPQ2d 1030, 1035 (Fed. Cir. 1997).

Here, the Decision has concluded the letter from Ms. Takada states that there was *no written procedure for managing the docketing of applications having a related reissue case at the time this error occurred and the personnel responsible for the error was assumed to be an inexperience clerk*. As a result, the Decision reasoned that one cannot deem that the cause of the delay was unavoidable since there is no showing that applicant was careful or prudent in his most important business in relying on Sony's system and personnel within the meaning of *In re Katrapat* (Decision at page 2).

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In response to this line of reasoning, no statement can be found within the letter of June 26, 2006 from Ms. Takada regarding the absence of a written procedure for managing the docketing of applications having a related reissue case at the time this error occurred, as the Decision urges.

Instead, it is respectfully submitted that of the actual language found within the letter of June 26, 2006 from Ms. Takada refers to a “written manual for managing reissue cases.”

Specifically, the letter of June 26, 2006 states that “there was not a written manual for managing reissue cases in our section at that time.”

Furthermore, U.S. Patent and Trademark Office (USPTO) practice and procedures provide that the filing of a reissue application does not alter the schedule of payments of maintenance fees on the original patent. M.P.E.P. §1415.01.

Found within the reissue application, U.S. Application No. 08/736,288 is an Order to Show Cause dated May 31, 2006. However, there is no indication within that Order of the reissue application maturing into a reissue patent. Yet, the Decision on Petition refers solely to the reissue application and not to U.S. Patent No. 5,453,758, the underlying original patent in its reasoning for dismissing the Petition of June 30, 2006.

As a consequence, no explanation or discussion can be found within the Decision regarding an absence of procedures associated with the payment of maintenance fees in the original patent.

Even still, the presence or absence of a written manual for managing reissue cases is not dispositive of the issues regarding an error in the Sony docketing system as being the cause of the delay in providing the 7 ½ year maintenance fee payment so long as there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance. M.P.E.P. §711.03(c)(III)(C)(2).

In this instance, there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance. However, an erroneous data

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entry found within the Sony docketing system was the cause of the delay in providing the 7 1/2 year maintenance fee payment to the USPTO.

(2) There was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance.

The Decision explained that Petitioner must supply a thorough explanation of the docketing (at Sony) and call-up system in use.

The Decision instructs that Petitioner must supply a thorough explanation of the docketing (at Sony) and call-up system in use and must identify the type of records kept and the person responsible for the maintenance of the system.

The Decision further instructs that Petitioner must identify the type of records kept and the person responsible for the maintenance of the system.

This showing must include copies of mail ledger, docket sheets, filewrappers and such other records as may exist which would substantiate an error in docketing, and include an indication as to why the system failed in this instance to provide adequate notice that a reply was due.

In response, a copy of the Sony docketing system record with notations for the convenience of the USPTO is provided along with this Renewed Petition as ATTACHMENT A.

This Sony docketing system record provides evidence of a tool within Sony used in the docket management of an application having a related reissue case.

Specifically, the Sony Reference No. for the proceedings associated with the original patent is S93P0482US00 for internal tracking purposes, which is shown on the bottom of page 1 of the Sony docketing system record. Continuing on page 2, shown is "1993-07-28", which is the date that an "*application filed*" entry (status code "01") was input to a database field for the original

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application, which coincides with the filing date of July 29, 1993 for U.S. Patent Application No. 08/098,896 (the original application).

The original application matured into the original patent on September 26, 1995. A database field on the Sony docketing system record for the original application includes an entry of "1995-09-26", which is the issue date of the original patent.

A reissue application based upon the original patent was filed on October 24, 1996 as U.S. Patent Application Serial No. 08/736,288. A letter of February 28, 1997 from the Marks & Murase law firm forwarded to Sony a copy of the Filing Receipt for the reissue application.

A copy of the letter of February 28, 1997 from the Marks & Murase law firm is provided along with this Renewed Petition as ATTACHMENT B.

The letter and official filing receipt of the reissue patent application was received by Sony in their Tokyo, Japan office on March 11, 1997 and was forwarded to their Atsugi, Japan office where it was received on March 14, 1997. The letter and official filing receipt were then forwarded to Tokyo office

A "Request for Final Disposition" of Sony Reference No. S93P0482US00 (the original patent) was completed by Ms. Nao Miyamoto on May 6, 1998.

A copy of the Request for Final Disposition is provided along with this Renewed Petition as ATTACHMENT C.

Shown below is a portion of the Request for Final Disposition that indicates Sony Reference No. S93P0482US00.

共類	區分
s 9.3 14.812115 00	9
〔必要書類〕	

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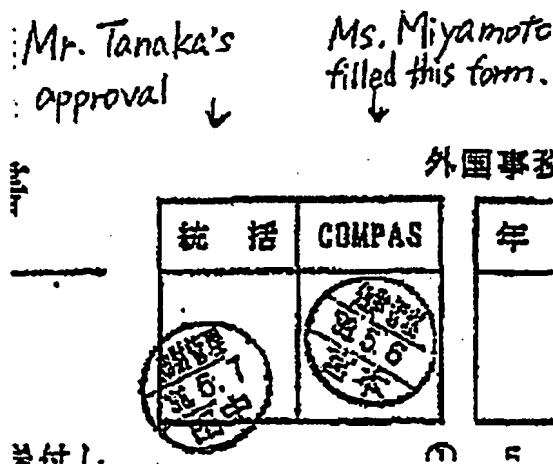
Status code 9 of the adjacent field refers to the list of status codes presented on the Request.

Shown below is a portion of the Request for Final Disposition that includes status code 9, along with an English translation for the convenience of the USPTO.

4	不服審判不成立後放棄／被異議成文		
9	出願取下(1~6 以外で放棄) (Re-Issue の親出願)	放棄指示 *Re-Issue 指示	登録延受理後に処理 *年金担当者に要相談
10	出願放棄(派生出願の親出願)	<input type="checkbox"/> 続続出願の指示	取扱通知受理後に処理

<code>	<code detail>	<patent engineer's action>	<administrator's action>
9	abandoned by withdrawn/dismissed (abandoned by other than status code 1-6) (Parent of re-issue patent application)	instruct attorney to abandon	input after Letters Patent received
		instruct attorney to file a reissue patent application	* consult annuity person

Shown below is a portion of the Request for Final Disposition that includes the identification stamps for Ms. Miyamoto and Mr. Keisuke Tanaka.



The stamp for Ms. Miyamoto indicates that she prepared the Request for Final Disposition on May 6, 1998. Although proceedings in the reissue application were ongoing in May of 1998, status code 9 was erroneously selected by Ms. Miyamoto in the Request prior to the conclusion of the proceedings in the reissue application.

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Routine practice and procedures within Sony at the time of the error arose provide for the designation of status code 9 in the database of the original patent once the original patent reissues. Further shown is the stamp for Mr. Tanaka indicating his approval of the completed form on May 7, 1998, notwithstanding an instruction found within status code 9 to *process after receiving the Letters Patent of the reissue*. Mr. Tanaka failed to notice the erroneous selection of status code 9 within the Request. Mr. Tanaka, who was the manager of the foreign patent administration group at the time of the error, has since left Sony in 2005.

Furthermore, the Request for Final Disposition requires a confirmation of the person assigned to annuity matters. Although Ms. Masako Motosugi was assigned to annuity matters during the time that the error arose, there is no indication of the Request being forwarded to Ms. Motosugi for her review and confirmation. Ms. Motosugi left Sony in 2006.

The "COMPAS" docketing system was in use at Sony as of May of 1998. Other status codes associated with the "COMPAS" docketing system found on Request for Final Disposition are as follows:

Status code 1: abandoned by not requesting for an examination;

Status code 2: abandoned by not filing any response to Office Action;

Status code 3: abandoned by not filing any response to Final Office Action;

Status code 4: abandoned after receiving the Decision on Appeal;

Status code 5: abandoned by not paying annuity fee (pending case);

Status code 6: abandoned by not paying annuity fee (issued case).

The "COMPAS" docketing system in use as of May of 1998 was succeeded by the new docketing system "New-COMPAS". Data from "COMPAS" was transferred to "New-COMPAS" is July of 1998.

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The status codes associated with the "New-COMPAS" docketing system replacing those found within the "COMPAS" docketing system are as follows:

Status code 1 of COMPAS is now Status code 12 of New-COMPAS;

Status code 2 of COMPAS is now Status code 05 of New-COMPAS;

Status code 3 of COMPAS is now Status code 05 of New-COMPAS;

Status code 4 of COMPAS is now Status code 26 of New-COMPAS;

Status code 5 of COMPAS is now Status code 18 of New-COMPAS;

Status code 6 of COMPAS is now Status code 18 of New-COMPAS;

Status code 9 of COMPAS is now Status code 07 of New-COMPAS.

The filing information of the reissue patent application was input by Ms. Miyamoto on May 6, 1998. On the same day, Ms. Miyamoto filled in the Request for Final Disposition of the original patent. The letter of June 26, 2006 from Ms. Takada explains the Sony docketing system record shows that an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was input to the database for the original patent on May 6, 1998 on the same day that an "*application filed*" entry (New-COMPAS status code "01") was input to the reissue application.

As evidence, the Sony Reference No. for the proceedings associated with the reissue application of S93P0482US01 and the date of "1998-05-06" are shown on the bottom portion of page 2 of the Sony docketing system record. Page 2 of the Sony docketing system record shows that on "1998-05-06", an "*application filed*" entry (New-COMPAS status code "01") was input to database fields for the reissue application and an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was input to another database field for the original patent.

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As indicated hereinabove, a copy of the Sony docketing system record, with notations for the convenience of the USPTO, is provided along with this Renewed Petition as ATTACHMENT A.

During December of 2002, Ms. Takada prepared a listing of patents to transfer responsibility for the management of the maintenance fees from Rader, Fishman and Grauer (the Firm) to Computer Packages Inc. (CPI). As noted hereinabove, an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was input" to the database field for the original patent. As a result, the original patent was not catalogued in the list. Patents having an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") are routinely omitted from the list. As a result, the original patent was omitted from the list prior to the forwarding of the list to CPI.

An e-mail dated January 10, 2003 from Ms. Takada to Paula L. Talarek at the Firm indicates that responsibility for the applications identified on Sheet A of the attached document "DC107977 030109.XLS" will be transferred from the Firm to CPI.

A copy of the e-mail dated January 10, 2003 in its redacted form is has been provided previously as ATTACHMENT C of the Petition of June 30, 2006.

Document "DC107977 030109.XLS" attached to the e-mail dated January 10, 2003 lists as record 914 the reissue *application* (U.S. Patent Application Serial No. 08/736,288), *which has yet to reissue*. However, *no listing of the original patent* (U.S. Patent No. 5,453,758) is found within document "DC107977 030109.XLS".

A copy of document "DC107977 030109.XLS in its redacted form has been provided previously as ATTACHMENT D of the Petition of June 30, 2006.

As a routine business practice, Sony requests a quarterly Invoice from CPI as digital data and as a paper report. This Invoice includes a maintenance fee schedule listing the maintenance fee payments due in applications assigned to Sony during a specific period of time. The Sony reference number is the report index.

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A copy of the quarterly Invoice from CPI dated January 17, 2003 for the First quarter, 2003 is provided along with this Renewed Petition as ATTACHMENT D.

In January of 2003, Ms. Takada compared relevant data retrieved from within the database of the COMPAS docketing system for issued patents having a status of "*not abandoned, not expired*" with the quarterly Invoice received from CPI. These relevant data from within the database of the COMPAS docketing system included information pertaining to the 3 ½, 7 ½, and 11 ½ year maintenance fees due without surcharge between the time period of January 1, 2003 and March 31, 2003 in the patents issued to Sony. Regarding payment of the 7 ½ year maintenance fee due in U.S. Patent No. 5,453,758, the website for the USPTO identifies a Surcharge Date of March 27, 2003, which is within the time period between January 1, 2003 and March 31, 2003. U.S. Patent No. 5,453,758 is also absent from within the quarterly Invoice from CPI of January 17, 2003.

But as previously noted, the letter of June 26, 2006 from Ms. Takada explains the Sony docketing system record shows that an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was erroneously input to the database for the original patent on May 6, 1998. As a result of this error, Ms. Takada was unaware during her data comparison in January of 2003 of an existence of the 7 ½ year maintenance fee payment due in U.S. Patent No. 5,453,758.

(3) The employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care.

The Decision further explained that Petitioner must also supply information regarding the training provided to the Sony personnel responsible for the docketing error, degree of supervision of their work, examples of other work functions carried out, and checks on the described work which were used to assure proper execution of assigned tasks.

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Ms. Nao Miyamoto joined Sony in foreign patent administration group of at the Tokyo, Japan office in September 1996. Within two months of her arrival at Sony in 1996, Ms. Miyamoto administered Sony applications and patent that were prosecuted in patent offices located in countries other than Japan.

Ms. Miyamoto received the training from two experienced workers, Ms. Motoko Kikuchi and Ms. Miki Tanae. This training pertained to subjects such as document categorization. These categories includes but are not limited to 1) Documents requiring a reply by a due date; 2) Documents requiring action by a patent engineer at Sony; and 3) Documents which require neither a reply by a due date nor action by a patent engineer. This training additionally included instruction regarding how to input information to the Sony docketing system and instruction regarding how to prioritize tasks.

As manager of the foreign patent administration group, Mr. Keisuke Tanaka reviewed the work of Ms. Miyamoto in 1998. One of his duties was to assure proper execution of tasks assigned to Ms. Miyamoto.

#### IN RE KATRAPAT

The Decision refers to *In re Katrapat, AG*, 6 USPQ2d 1863 (Comm'r Pat. 1988). Please note, however, that this situation is analogous to that provided within *In re Katrapat*.

As a rule, if unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present. *In re Katrapat*, at 1866.

The Petition of June 30, 2006 and the present Renewed Petition identify the use of a computerized docketing system to insure that responses are timely filed.

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Likewise, Katrapat's attorneys used a computerized docketing system to insure that responses are timely filed (*Katrapat* at 1867).

As noted hereinabove, the Sony docketing system record shows that an "*application withdrawn/dismissed*" entry (New-COMPAS status code "07") was erroneously input to the database for the original patent on May 6, 1998.

Likewise, the records clerk of *Katrapat* entered the data from the hardcopy log into the computer once a month, and the computer generated dockets for individual patent attorneys (*id.*).

Document "DC107977 030109.XLS" attached to the e-mail dated January 10, 2003 lists as record 914 the reissue *application* (U.S. Patent Application Serial No. 08/736,288), *which has yet to reissue*. However, *no listing of the original patent* (U.S. Patent No. 5,453,758) is found within document "DC107977 030109.XLS. Relevant data retrieved from within the database of the COMPAS docketing system for issued patents having a status of "*not abandoned, not expired*" was compared with the quarterly Invoice received from CPI. Because of the erroneous input, Ms. Takada was unaware during her data comparison in January of 2003 of an existence of the 7 1/2 year maintenance fee payment due in U.S. Patent No. 5,453,758.

Within *Katrapat*, counsel did not prepare a timely response to an Office action that was never entered into the docketing system. (*id.*). But despite the presence of multiple errors made in providing a timely response (*Katrapat*, at 1867-68), the Commissioner nevertheless granted Katrapat's petition to revive the reexamination proceedings under the "unavoidability" standard. (*Katrapat*, at 1868).

#### 11 1/2 YEAR MAINTENANCE FEE

A Notice of Non-Acceptance of Patent Maintenance Fee was mailed on March 20, 2007 in U.S. Patent No. 5,453,758.

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The Notice indicates a payment receipt date of March 16, 2007 in the amount of \$3,800.00 as payment for the 11 1/2 year maintenance fee payment due. However, the Notice further indicates non-acceptance of the 11 1/2 year maintenance fee payment due pending the outcome of the instant Petition.

A copy of the Notice of Non-Acceptance of Patent Maintenance Fee is provided along with this Renewed Petition as ATTACHMENT E.

RELIEF

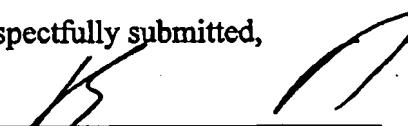
Applicant hereby petitions the Commissioner under 37 C.F.R. §1.378(e) to issue a decision granting the Petition To Accept Unavoidably Delayed Payment Of Maintenance Fee In An Expired Patent (37 C.F.R. §1.378(b)) filed on June 30, 2006.

Applicant further requests acceptance of the 11 1/2 year maintenance fee.

The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account # 18-0013.

Dated: July 17, 2007

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

(202) 955-3750

Attorney for Applicant

**AUTHORIZATION-DUPLICATE COPY**

**MANNER OF PAYMENT**

The Director is hereby authorized to charge Deposit Account # 18-0013 the sum of  
\$400.00.

**AUTHORIZATION-DUPLICATE COPY**

**AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY**

The Director is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account # 18-0013.

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**AUTHORIZATION-DUPLICATE COPY**

**OVERPAYMENT**

As to any overpayment made, please credit to Deposit Account # 18-0013.

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**ATTACHMENT A**

受付番号 :S93P0482  
 出願番号  
 発明の名称  
 F 英文タイトル  
 出願種別  
 出願日  
 法的出願日  
 権利満了日  
 登録日  
 登録番号  
 F 登録日初期入力日  
 出願ルート  
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 処分決定日  
 処分決定日入力日  
 状況コード  
 F 現地代理人C  
 F 現地代理人整番  
 F 仲介代理人C  
 F 仲介代理人整番  
 出願人數 :0  
 権利者數 :0  
 出願人C  
 費用配分  
 年金移管先  
 メモ 5  
 文書箱番号  
 包袋コード  
 技術担当者 G P (現) :GX  
 技術担当者 C (現) :960107  
 オリジナル区分  
 発明者氏名  
 優先權出願番号  
 四法  
 公告日  
 公告番号  
 処分コード入力日  
 D 外国整番(国内)  
 外国カバニコード  
 JK キード  
 海一現地整番  
 F 出願処分入力日  
 F 権利処分入力日

NHEC :J REGCCB, J RESABA, KCTVcxxx, KAUIxxx, KCOMxxx

受付番号 :S93P0482\*\*00  
 出願番号  
 発明の名称  
 F 英文タイトル  
 出願種別  
 出願日  
 法的出願日  
 権利満了日  
 登録日  
 登録番号  
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 F 仲介代理人整番  
 出願人數 :0  
 権利者數 :0  
 出願人C  
 費用配分  
 年金移管先  
 メモ 5  
 文書箱番号  
 包袋コード  
 技術担当者 G P (現) :GX  
 技術担当者 C (現) :960107  
 オリジナル区分  
 発明者氏名  
 優先權出願番号  
 四法  
 公告日  
 公告番号  
 処分コード入力日  
 D 外国整番(国内)  
 外国カバニコード  
 JK キード  
 海一現地整番  
 F 出願処分入力日  
 F 権利処分入力日

NHEC :J REGCCB, J RESABA, KCTVcxxx, KAUIxxx, KCOMxxx

受付番号

15934632540

Parent Patent

\* \* \* 特許機器リスト \* \* \*

出願番号	:098896
発明の名称	:入力装置
F 英文タイトル	:POINTING DEVICE
出願種別	:A 通常
出願日	:1993-07-29
法的出願日	:1993-07-29
権利済了日	:2013-07-29
登録日	:1995-09-26
登録番号	:5453758
F 登録日初期入力日	:1995-10-25
出願ルート	:0 各国
	:01 出願
处分決定日	:1993-07-28
处分決定日入力日	:1995-09-26
状況コード	:HO 取下／却下
F 現地代理人C	:04US
F 現地代理人整番	:SON-417
F 仲介代理人C	:XX00
F 仲介代理人整番	:
出願人數	:1
権利者数	:1
出願人C	:000218
費用配分	:100/100
年金移管先	:
メモ5	:
文書箱番号	:
包装コード	:X
担当者G P(現)	:GX
古担当者C(現)	:960107
オリジナル区分	:2
発明者氏名	:佐藤 一博
優先権出願番号	:92035268
	:93012038
四法	:1
公告日	:
公告番号	:
D 外国勢番(国内)	:1993-07-28
外国カバーニコード	:1993-07-28
J Kキーティ	:NHEC
海一現地整番	:J R E G C C B ,
F 出願区分入力日	:1993-05-06

Status code 01 : application filed  
07 : withdrawn / dismissed

受付番号	136288
出願番号	入力装置
発明の名称	POINTING DEVICE
F 英文タイトル	3 再発行
出願種別	1996-10-24
出願日	1993-07-29
法的出願日	
権利満了日	
上日	
登録番号	
E 登録日初期入力日	
出願ルート	0 各国
区分決定日	1998-05-06
処分決定日	1998-05-06
状況コード	G0 出願
F 現地代理人C	04US
F 現地代理人整番	SON-906/REISSUE
F 仲介代理人C	XX00
F 仲介代理人整番	
出願人數	1
権利者数	1
出願人C	000218
費用配分	100/100
年金移管先	23US
メモ	
文書類番号	
包装コード	
技術担当者G P (現)	X
技術担当者C (現)	GX
オリジナル区分	960107
発明者氏名	2
優先権出願番号	佐藤 一博
四法	
公告日	
公言番号	
登録登録番号入力日	1998-05-06
D 外国登録番(国内)	
外国登録番(国外)	
JKキーワード	NHEC
海事技術登録番	J REGCCB,

## Reissue Patent Application

Status code of: application filed.  
the date when the decision date was input.

the date when the status code 01 was input

F出願処分入力日  
F権利処分入力日

Application No. 08/098,896  
Patent No. 5,453,758

Docket No.: SON-417

**ATTACHMENT B**

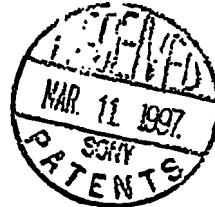
399 PARK AVENUE  
NEW YORK, NEW YORK 10022-4689  
(212) 318-7700

**MARKS & MURASE**  
L.L.P.  
ATTORNEYS AT LAW  
SUITE 750  
2001 L STREET, N.W.  
WASHINGTON, D.C. 20036-4910

(202) 955-4900  
Telex 248749  
Fax (202) 955-4933  
Fax (202) 955-4932

February 28, 1997

333 SOUTH GRAND AVENUE  
LOS ANGELES, CALIFORNIA 90071  
(213) 620-9690



Mr. Toshiya Ogura  
General Manager  
Intellectual Property Department  
Sony Corporation  
Tokyo International  
P.O. Box 5100  
Tokyo 100-31, JAPAN

Re: U.S. Reissue Patent Application of  
Kazuhiro Sato  
(Sony Corporation)  
Serial No. 08/736,288  
(Reissue of U.S. Patent No. 5,453,758)  
For: "Input Apparatus"  
Your Reference No. S93P482US01  
Our Reference No. SON-906/Reissue

IN PUT

Dear Mr. Ogura:

We have enclosed a copy of the Official Filing Receipt which we received from the Patent and Trademark Office in connection with the above-identified application. The receipt confirms that the application was filed on October 24, 1996 and formally assigns the case Serial No. 08/736,288. The application has been assigned to Group No. 2609 for examination.

We shall keep you advised of developments in this case as they occur.

Very truly yours,  
Ronald P. Kananen



RPK/lmm  
Enclosure

136635 001 55927 1

PTO-103X  
(Rev. 8-95)

## FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/736,288	10/24/96	2609	\$930.00	SON-906/REIS	15	17	3

RONALD P KANANEN  
MARKS & MURASE  
SUITE 750  
2001 L STREET NW  
WASHINGTON DC 20036

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

## Applicant(s)

KAZUHIRO SATO, TOKYO, JAPAN.

CONTINUING DATA AS CLAIMED BY APPLICANT-  
THIS APPLN IS A RE OF 00 08/098,896 07/29/93 PAT 5,453,758  
FOREIGN/PCT APPLICATIONS-JAPAN 4-223569 07/31/9  
JAPAN 5-141248 05/21/9

TITLE  
INPUT APPARATUS

PRELIMINARY CLASS: 345

(see reverse)

Application No. 08/098,896  
Patent No. 5,453,758

Docket No.: SON-417

**ATTACHMENT C**

Mr. Tanaka's  
approvalMs. Miyamoto  
filled this form.

## 技術グループ

担当	総括

## 最終処分依頼書

## 外国事務グループ

括 括	COMPAS	年 金	經 理
			

必ず、代理人または事務所に、案件を放棄する旨の依頼書を送付し  
その控えをfileして下さい。

## 共願 区分 依頼書

S	9	3	P	4	1	8	2	U	S	0	0

## 〔必要書類〕

- ・ファイル
- ・放棄等の手続き依頼書
- ・外国特許出願放棄連絡書  
(02依頼書メニューの22)
- ・審査状況リスト  
(07叶表作成照会画面  
メニューの05)

9											

- ① 5, 6番放棄
- ② E.Pを含むもの
- ③ 海一案件
- ④ 9番放棄は要相談

・Family単位で一枚

← ④ 依頼書送付済・未の件

← ④ 共願の場合、「共願」の欄に「J」を記入。

・最終処分区分1-6, 9, 11  
で場合で、維持する国があれば理由を記載。  
↓

最終処分理由:

維持理由:

最終処分区分	技術グループ	外国事務グループ
1 1 出願中止(出願前)	「変更・中止願」のみ提出。 当依頼書は不要。	
1 1 · WO, E.P放棄による指定国の処分 · WO, E.P各国移行段階の指定国の取下げ	「放棄指示」	
1 2 審査請求放棄 拒絶理由通知時放棄 (WO, E.PのSearch Reportを含む) 3 拒絶査定後放棄 4 不服審判不成立後放棄/被異議成立	「放棄指示」	
9 出願取下(1~6以外で放棄) (Re-Issueの親出願)	「放棄指示」 「Re-Issue指示」	登録証受理後に処理 *年金担当者に要相談
1 0 出願放棄(派生出願の親出願)	<input type="checkbox"/> 維持出願の指示 <input type="checkbox"/> 変更出願の指示 <input type="checkbox"/> P → U <input type="checkbox"/> U → P	願書通知受理後に処理 (U.Sの場合は外国事務にて 判断し当依頼書記載)
8 権利譲渡	「譲渡手続き」	
5 出願年金不払い放棄 登録年金不払い放棄 7 権利満了		不払い指示→仲介/現地代理人 不払い指示→現地代理人
1 4 最終処分の取消(最終処分後の入力等)		

(8.6.9. 改定)

Application No. 08/098,896  
Patent No. 5,453,758

Docket No.: SON-417

**ATTACHMENT D**



LEADERSHIP FOR THE BEST IDEAS IN THE WORLD

A

January 17, 2003

MR. RYUKICHI FUJII, SENIOR GENERAL MANAGER  
INTELLECTUAL PROPERTY DIVISION (NT)  
SONY CORPORATION  
6-7-35 KITASHINAGAWA  
SHINAGAWA-KU  
TOKYO, 141-0001 JAPAN



SUPPLEMENTAL  
Invoice #617315

ANNUITY PAYMENTS:

1st Quarter, 2003 79,112.00 USD

CASES DEDUCTED:

Number of Cases deducted \_\_\_\_\_ and amount \_\_\_\_\_

TOTAL \_\_\_\_\_

AUTO-PAY ACCOUNT

PLEASE RETURN A COPY OF THIS INVOICE WITH PAYMENT WITHIN 30 DAYS.

Rockville, MD	Breda, Netherlands	Chicago, IL	Houston, TX	San Francisco, CA
301.424.8890	301.762.8683 fax	414 Hungerford Drive, Third Floor, Rockville, MD 20850 USA		www.computerpackages.com

17JAN03

INVOICE

NT

THIS IS AN AUTO-PAY ACCOUNT: PLEASE NOTE THAT ALL CASES WILL BE PAID BY CPI  
UNLESS WE RECEIVE A TIMELY INSTRUCTION TO "NOT PAY".

PAYMENT IS DUE TO CPI FOR THE FOLLOWING CASES. AMOUNTS ARE IN U.S. DOLLARS.  
PLEASE RETURN A COPY OF THIS INVOICE INDICATING WHICH PAYMENTS ARE NOT TO BE  
MADE. THE SECOND (RIGHT) COLUMN, IF NOT BLANK, IS THE AMOUNT INCLUDING YOUR  
FEE. RECEIPT OF PAYMENT FOR ACTIVE CASES, IS CONSIDERED AN INSTRUCTION TO  
PAY THE ANNUITY DUE.

PLEASE SEND PAYMENT TO :

LISA YOUNG  
COMPUTER PACKAGES INC.  
414 HUNTERFORD DRIVE  
ROCKVILLE, MARYLAND 20850 USA  
TELEPHONE: (301) 424-8690  
TELEFAX: (301) 762-8663

MR. KEISUKE TANAKA (HT)  
GENERAL MANAGER, INTELLECTUAL PROPERTY D  
SANY CORPORATION  
6-7-35, KITASHINAGAWA  
SHINAGAWA-KU  
TOKYO, 141-0001 JAPAN

COMPUTER PACKAGES INC.  
414 MUNGERFIELD DR. SUITE 300  
ROCKVILLE, MD 20850 U.S.A.

PAGE 1  
REPORT 06402  
DATE 17JAN03

ANNUITY MAINTENANCE FEES DUE  
FROM DJ-JAN03 TO 31-MAR03  
CLIENT1 NT  
0405

NOTE: AMOUNTS SHOWN ARE IN U.S. DOLLARS. INCLUDING C.P.I. FEE

DIV	COUNTRY	EXCHANGE RATE	AMOUNT DUE CPI
0405	USA	1.00000	76,400
	CLIENT/DIV TOTAL		76,400
3105	USA	1.00000	2,712
	CLIENT/DIV TOTAL		2,712
	GRAND TOTAL		79,112

17-JAN-03

INVOICE

KT

THIS IS AN AUTO-PAY ACCOUNT: PLEASE NOTE THAT ALL CASES WILL BE PAID BY CPI  
UNLESS WE RECEIVE A TINELY INSTRUCTION TO "NOT PAY".  
PAYMENT IS DUE TO CPI FOR THE FOLLOWING CASES, AMOUNTS ARE IN U.S. DOLLARS.  
PLEASE RETURN A COPY OF THIS INVOICE INDICATING WHICH PAYMENTS ARE NOT TO BE  
MADE. THE SECOND (RIGHT) COLUMN, IF NOT BLANK, IS THE AMOUNT INCLUDING YOUR  
FEE. RECEIPT OF PAYMENT FOR ACTIVE CASES, IS CONSIDERED AN INSTRUCTION TO  
PAY THE ANNUITY DUE.

PLEASE SEND PAYMENT TO :

LYSA YOUNG  
COMPUTER PACKAGES INC.  
414 HUNTERFORD DRIVE  
ROCKVILLE, MARYLAND 20857 USA  
TELEPHONE: (301) 424-8690  
TELEFAX: (301) 762-8663

MR. KENSHIKE TANAKA (KT)  
GENERAL MANAGER, INTELLECTUAL PROPERTY  
SONY CORPORATION  
6-7-35, KITASHINAGAWA  
SHINAGAWA-KU  
TOKYO, 141-0001 JAPAN

COMPUTER PACKAGES INC.  
414 HUNTERFORD DR. SUITE 300  
ROCKVILLE, MD 20850 U.S.A.

## RECORDS MARKED WITH \*\* DID NOT APPEAR ON TAX REVIEW

INVOICE DETAIL  
MATERIAL MAINTENANCE FEES DUE  
FROM 01JAN03 TO 31MAY03  
CLIENT: HT  
C448

CASE NUMBER/ YOUR REF.	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE	YEAR	AMOUNT DUE CPI	TITLE HOLDER YOUR REF/MATTER NO.
887700924501 ✓	** USA	5040149	496076 11FEB92	12	3,164	SONY CORPORATION 80001-0743	
8880008804500 ✓	** USA	5050061	332999 17MAR92	12	3,164	SONY CORPORATION 80001-0535	
8890029504500 ✓	** USA	5046159	448991 03MAR92	12	3,164	SONY CORPORATION 80001-0532	
890700724501 ✓	** USA	5438466	122184 01FEB96 *	8	2,064	SONY CORPORATION 80001-0561	
890702311501 ✓	** USA	5444480	885234 28FEB96	8	2,064	SONY CORPORATION 80001-0572	
89170045511501 ✓	** USA	5448245	164848 05MAR96	8	2,064	SONY CORPORATION 80001-0642	
892006331501 ✓	** USA	5160220	284269 08FEB96 *	8	2,064	SONY CORPORATION 80001-0793	
892007604500 ✓	** USA	5144066	966512 08FEB96 *	8	2,064	SONY CORPORATION 80001-0801	
892008944500 ✓	** USA	51592135	989281 19MAR96	8	2,064	SONY CORPORATION 80001-0828	

1  
RE-BILL 03101  
DATE 17JAN03



COMPUTER PACKAGES, INC.  
112 HOMEBERG DR. SUITE 300  
ROCKVILLE, MD 20850 U.S.A.  
RECORDS MARKED WITH  $\ddagger$  DID NOT APPEAR IN TAX REVIEW

RECEIVE DATE: 04/10/01  
APPLY DATE: 04/10/01  
FEE: 0.00  
CLIENT: RADER, FISHMAN  
DATE: 07/18/07

CASE NUMBER	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE	YEAR	AMOUNT DUE CPT	TYPE HOLDER VIA REF/MATTER NO.
S94P0429US00 $\ddagger$ USA	USA	5445640	199878-28FEB96	8	2,064	SONY CORPORATION 80001-1003	
S94P0323US00 $\ddagger$ USA	USA	54457382	247221-01FEB96	8	2,064	SONY CORPORATION 80001-1022	
S94P0429US00 $\ddagger$ USA	USA	54556094	251563-26MAY96	8	2,064	SONY CORPORATION 80001-1037	
S94P0429US00 $\ddagger$ USA	USA	54556080	251180-19MAY96	8	2,064	SONY CORPORATION 80001-1042	
S94P0429US00 $\ddagger$ USA	USA	5492268	27431-28FEB96	8	2,064	SONY CORPORATION 80001-1076	
S94P0429US00 $\ddagger$ USA	USA	5493144	301329-04FEB96	8	2,064	SONY CORPORATION 80001-1081	
S94P0429US00 $\ddagger$ USA	USA	5494395	301637-22FEB96	8	2,064	SONY CORPORATION 80001-1090	
S94P0429US00 $\ddagger$ USA	USA	5496207	303355-15MAY96	8	2,064	SONY CORPORATION 80001-1092	
S94P0429US00 $\ddagger$ USA	USA	5492256	354003-17MAY96	2	2,064	SONY CORPORATION 80001-1127	

COMPUTER PACKAGES INC.  
414 BURGESS RD., SUITE 300  
ROCKVILLE, MD 20850 U.S.A.

RECEIVE DETAIL  
ARRIVED PAYMENT/MAINTENANCE FEES DUE  
FROM DILIGENT TO 3M HARV  
CLIENT: 11009

RECORDS MARKED WITH \*4 DUE NOT APPEAR ON TAI REVIEW

CASE NUMBER/ YOUR REF.	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE RECEIVED	YEAR	AMOUNT DUE CP.	TITLE HOLDER YOUR REF/NAME/NO.
594036265004	USA	5952117	574454 146400	6/27/06 10FEB06	4	904	SONY CORPORATION 80001-0254
594036265004	USA	5936117	631206 216400	6/27/06 10FEB06	4	904	SONY CORPORATION 80001-0341
594036265004	USA	5960112	593353	7/17/06 03FEB06	4	904	SONY CORPORATION 80001-0340
594036265004	USA	5931661	711206 03FEB06	4	904	SONY CORPORATION 80001-0407	
594036265004	USA	5932845	803857 24FEB06	4	904	SONY CORPORATION 80001-0483	
594036265004	USA	5931376	807532 03FEB06	4	904	SONY CORPORATION 80001-0553	
594036265004	USA	5943592	876353 24FEB06	4	904	SONY CORPORATION 80001-0912	
594036265004	USA	5949559	882272 07FEB06	4	904	SONY CORPORATION 80001-0940	
594036265004	USA	5945556	861239 20FEB06	4	904	SONY CORPORATION 80001-1111	

COMPUTER PACKAGES INC.  
414 HUNTERFORD DR. SUITE 300  
ROCKVILLE, MD 20850 U.S.A.

ICE DETAIL  
CITY MAINTENANCE FEES BIE  
FROM 01/01/03 TO 31/03  
CLIENT: NT 0465

PG 5  
REPORT 03A101  
DATE 17 JAN 03

RECORDS MARKED WITH \*\* DID NOT APPEAR OR TAX REVIEW

CASE NUMBER / YOUTH REF. / COUNTRY

PATENT NUMBER  
APPLICATION NUMBER  
PATENT NUMBER  
DATE  
YEAR  
AMOUNT  
THE CPI

TITLE NUMBER  
YOUR REFERENCE NO.

100-06210500 USA

20001-193  
SAYCOR CORPORATION

6629 895238 17FEB90 4 904

80001-0273  
SAY CARRIATION

941312 07MAR00 4 904 1163

44 USA

80001-1256  
SEWY CORPORATION

026695 17FE800 4 · 904  
11134

ଅନ୍ତର୍ଜାଲ ପତ୍ର ୧୦୨

SONY CORPORATION  
800-01-1145

104208 28MAR00 4 904 38632

178809240900 # 184

SECURITY CORPORATION

2726 154768 14MAR80 4 904

NO. DE AMMUNICIONES GENTILIDAD TOTAL

761400

COMPUTER PACKAGES INC.  
414 HURGERFORD DR. SUITE 300  
RECKVILLE, MD 20850 U.S.A.

INVOICE DETAIL  
ANNUITY MAINTENANCE FEE DUE  
FROM DIAANO3 TO JIMHARD3  
CLIENT: NT  
3105

PAGE 1  
REPORT 03A101  
DATE 17JAA03

## RECORDS MARKED WITH \*\* DID NOT APPEAR ON TAX REVIEW

CASE NUMBER / COUNTRY  
YOUR REF.

CASE NUMBER	COUNTRY	PATENT NUMBER	APPLICATION NUMBER	DATE	YEAR	AMOUNT DUE CPT	TITLE HOLDER YOUR REF/MATTER NO.
894P516310501	(1) ** USA	5930301	979287	14MAR00	4	904	AIWA RES AND DEV INC
895P51646500	(1) USA	5938843	546389	17FEB00	4	904	AIWA CO
896P5083050	(1) USA	5940936	741611	24FEB00	4	904	AIWA CO
NO. OF ANNUITIES	3	CLIENT/DIV TOTAL		2,712			
NO. OF ANNUITIES	48	GRAND TOTAL		79,112			

Application No. 08/098,896  
Patent No. 5,453,758

Docket No.: SON-417

**ATTACHMENT E**



Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

CHRISTOPHER M TOBIN  
 RADER FISHMAN & GRAUER PLLC  
 1233 20<sup>TH</sup> STREET NW  
 SUITE 501  
 WASHINGTON DC 20036

March 20, 2007

### NOTICE OF NON-ACCEPTANCE OF PATENT MAINTENANCE FEE

REGARDING PATENT NUMBER: 5453758

#### PAYMENT STATUS:

No charge was applied to your deposit account.

Payment Amount Received: \$ 3,800.00  
 Payment Year 11.5 (e.g., 3.5, 7.5, 11.5)

PAYMENT RECEIPT DATE 03/16/2007  
 (Mailroom Date Stamp)

Your payment was not accepted for the following reason(s):

- 1. The maintenance fee for the above-identified patent was previously paid on \_\_\_\_\_.  
 Information regarding the previous payment is stated in item 8 below.
- 2. The patent expired on \_\_\_\_\_. See "Patent Expiration" section below.
- 3. The fee was paid too early. See 37 CFR 1.366(b). Pursuant to 37 CFR 1.362(d), the payment window will open for the above-identified patent on \_\_\_\_\_.
- 4. Your payment was not sufficient to cover the maintenance fee and any required surcharge for the above-identified patent. An additional amount of \$ \_\_\_\_\_ is/was required.
- 5. The above-identified patent was reissued. In accordance with 37 CFR 1.366(d), the reissue patent number and reissue application number must be provided.
- 6. The payment did not include corresponding patent and application numbers, and was not specially accepted.
- 7. The above-identified patent is not subject to maintenance fees. No maintenance fees are due on utility patents filed before 12/11/80. No maintenance fees are due on design patents or on plant patents. See 37 CFR 1.362(a) and (b). (The "Resubmitting Maintenance Fee Payment" and "Patent Expiration" sections below do not apply.)
- 8. Other: PETITION FILED ON 06/30/2006 NO DECISION PLEASE WAIT ON DECISION BEFORE RESUBMITTING PAYMENT.

#### Resubmitting Maintenance Fee Payment

The six (6) month "grace period" for paying the maintenance fee for the above-identified patent ends on \_\_\_\_\_. In addition to the maintenance fee of \$ \_\_\_\_\_, a resubmitted payment filed in the USPTO during the 6 month "grace period" is required to include a surcharge of \$ \_\_\_\_\_. (See "Note" at the bottom of this Notice.)

To avoid patent expiration, the maintenance fee plus any required surcharge must be resubmitted in a manner that rectifies all of the indicated reason(s) for payment non-acceptance and *must be filed on or before the date the 6 month "grace period" ends*. Send by facsimile to the Office of Finance, Maintenance Fee Branch at (571) 273-6500, or by mail to the following address: Mail Stop M Correspondence, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450, to the attention of the individual who has signed below.

#### Patent Expiration

The date the six (6) month "grace period" ends becomes the expiration date of the above-identified patent if the required amount for paying the maintenance fee is not filed in the USPTO by that date. See 37 CFR 1.362(g). Expired patents may be reinstated if a petition as set forth in 37 CFR 1.378 is granted. If the above-identified patent has expired and reason number 5 or 6 above is the only reason indicated for payment non-acceptance, it is possible that the payment may be accepted if resubmitted with a petition as set forth in 37 CFR 1.377, rather than 37 CFR 1.378.

If you have any questions regarding this Notice, contact the Office of Finance, Maintenance Fee Branch at (571) 272-6500.  
 Please ask for the individual who has signed below.

Glenda Hinton (571) 272-6387

Printed Name of USPTO Representative

Signature of USPTO Representative

NOTE: All USPTO fees (including patent maintenance fees) are subject to change. If you are making a payment, visit the [www.uspto.gov](http://www.uspto.gov) website or contact the Office of Finance to verify the amount due on the date payment is to be made. A maintenance fee payment can be timely made using the certificate of mailing or transmission procedure set forth in 37 CFR 1.8.

TOTAL P.41

**FAX TRANSMISSION****FAX RECEIVED**

JUL 18 2007

**OFFICE OF PETITIONS****DATE:** July 18, 2007**PTO IDENTIFIER:** Application Number 08/098,896  
Patent Number 5,453,758**Inventor:** Kazuhiro SATO**MESSAGE TO:** US Patent and Trademark Office – Office of Petitions**FAX NUMBER:** (571) 273-0025**FROM:** RADER, FISHMAN & GRAUER PLLC  
Brian K. Dutton**PHONE:** (202) 955-3750**Attorney Dkt. #:** SON-417**PAGES (Including Cover Sheet):** 40**CONTENTS:** Copy of PTO Stamped Receipt (1 page)  
Copies of Attachments A-E (39 pages)

If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (202) 955-3750 and send the original transmission to us by return mail at the address below.

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